



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003760
Applicant Name: Trevor Simpson for Simpson & Simpson LLC
Address of Proposal: 4106 Delridge Way SW
Clerk File Number: 307721

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone 16,625 sq. ft. from LDT (Lowrise/Duplex/Triplex) to NC1-40 (Neighborhood Commercial 1 – 40 foot height limit). The site, consisting of two tax parcels (7891600285, 7891600295), is aligned with the predominate grid and measures approximately 175 feet running along the east side of Delridge Way SW in a north to south direction south of the junction with the unopened portion of SW Dakota St. The area proposed for rezoning is made up of platted lots 1-7, of the Southern Pacific Addition to West Seattle. The mid-block property line to the east of the site coincides with a zoning line that separates the LDT zoning from the Single Family 5000 zoning designation on the eastern half block. The proposal site is bounded on the west by Delridge Way SW, on the north by (an unopened portion of) SW Dakota Street, and on the south by Assessor's Parcel No. 7891600310.

The following approvals are required:

Rezone - Seattle Municipal Code (SMC) Chapter 23.34

SEPA - Environmental Determination - SMC Chapter 25.05

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposed rezone site consists of two tax parcels fronting on the northeast corner of Delridge Way SW and SW Dakota Street. The rectangular site is approximately 16,625 square feet with a total of approximately 175 linear feet of street frontage along Delridge Way SW. The parcels are currently undeveloped.

The topography of the site slopes significantly down-hill from east to west, with an inclination steep enough at the western edge of the site to qualify the area as a steep-slope Environmentally Critical Area. The entire site lies within a landslide prone ECA designated area, and recorded landslides have occurred, as mapped, within the unopened portion of the SW Dakota Street right-of-way within 85 feet of the site.

The site is located in a Lowrise Duplex/Triplex (LDT) zone. Zoning in the immediate vicinity to the north, south, and west is LDT Multifamily zoning. The zoning to the east is Single Family 5000 (SF-5000). Zoning north of Southwest Dakota Street is commercial, including C1/65' (Commercial 1, with a structure height limit of 65 feet) and NC1/40' (Neighborhood Commercial 1, with a structure height limit of 40 feet). The immediate area is developed with single family homes, single family homes converted to multi-family use, and multi-family structures, with an office building in the block across Southwest Dakota Street to the northwest and a community center and school structures in the blocks to the south across Southwest Genesee Street. This proposal site has been designated an environmentally critical area due to landslide-prone conditions and the presence of steep slopes of 40% average slope or greater.

Vicinity Description

Zoning in the immediately surrounding neighborhood is predominantly LDT to the west and SF 5000 to the east. Immediately to the north of the site across the unopened (except for a pedestrian stair) SW Dakota Street right-of-way and extending one block to the north, the zoning in NC1-40 and development consists of an inter-mixture of low density residential and commercial uses. The west side of Delridge Way SW along the same block to the north is zoned C1-65, the block filled by two large structures and their attendant grounds and parking. Kitty corner from the proposal site is the West Seattle Kidney Center

Project Description

The Land Use Code, section SMC 23.34, "Amendments to Official Land Use Map (Rezoning)," allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040 D, for an amendment to the Official Land Use Map.

The owner/applicant has provided conceptual plans only for a mixed-use development containing underground parking, retail street level uses along Delridge Way SW and 3-stories of residential units above the street-level retail uses.

The applicant, in anticipation of that conceptual development, has applied for a rezone from LDT to NC1-40' (Neighborhood Commercial 1 with a 40 foot height limit), a change in zoning which would allow for the contemplated development.

Public Comments

Initial notice of the proposed re-zone was published on January 5, 2006. The extended public comment period ended on February 1, 2006. DPD received one written comment from a nearby resident who was in favor of the rezone, noting that the property was virtually contiguous (across the unimproved SW Dakota Street right-of-way) with the existing NC 1 zoning and that street-level commercial use would be in keeping with the developing and desirable streetscape along Delridge Way SW. In addition, the writer commented that, although there was been ample development of townhouses and other types of residential structures in the area, it would be deemed beneficial to the neighborhood to have business and potential employment opportunities in the vicinity as well.

ANALYSIS - REZONE

The applicable requirements for this rezone proposal are stated at SMC Sections 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.009 (height limits), 23.34.014 (LDT zone, function and locational criteria), 23.34.072 (designation of commercial zones), and 23.34.074 (NC1 zone, function & locational criteria). The zone function statements are to be used to assess the likelihood that the area proposed to be rezoned would function as intended.

The most reasonable order for analysis does not follow the section numbering. In the following analysis, SMC Section 23.34.014 (LDT function and locational criteria) will be considered first. Then follows 23.34.072, which prescribes general commercial considerations; 23.34.074 (which activates consideration of the location criteria of 23.34.008 and 23.34.009); and finally 23.34.007, which requires synthesis of all the foregoing analyses. The pattern below is to quote applicable portions of the rezone criteria in italics, followed by analysis in regular typeface.

SMC 23.34.014 Lowrise Duplex/Triplex (LDT) zone, function and locational criteria.

A. Function. An area that provides opportunities for limited infill housing development, both through new construction and the conversion of existing single-family structures to duplexes and triplexes, where, in order to preserve the character of the neighborhood, the recycling of existing structures to a slightly higher density and small-scale infill development of townhouses or higher density apartments.

B. Locational Criteria. The Lowrise Duplex/Triplex zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Area.

- a. Areas where structures of small bulk and low heights, generally less than thirty (30) feet, establish the pattern of development; and*
- b. Areas with a mix of single-family structures, small multifamily structures, and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to limit new development opportunities to infill projects and conversions that preserve the existing character.*

2. Relationship to the Surrounding Area.

- a. Areas that do not meet single-family criteria but are otherwise similar in character and adjoin areas zoned single-family or Lowrise 1 without necessarily the presence of a significant topographical break or open space to provide a transition to increased density;*
- b. Areas where narrow streets, on-street parking congestion, local traffic congestion, lack of alleys, or irregular street patterns restrict local access and circulation;*
- c. Areas close to existing or projected facilities and services used by households with children, including schools, parks and community centers.*

C. Areas zoned single-family meeting the locational criteria for a single-family designation may be rezoned to LDT only when the provisions of Section 23.34.010 B are met.

The subject property is currently zoned Lowrise Duplex/Triplex (LDT). Properties immediately abutting to the south as far as SW Genesee Street are also zoned LDT. Properties directly across Delridge Way SW and extending in a swath three blocks to the west and are likewise zoned LDT. Properties a half block to the east and south of SW Genesee St on either side of Delridge Way SW are generally zoned Single Family 5000 and developed with single-family structures of small bulk and low heights. Within the LDT zone, what formerly were single-family structures have been converted to duplexes and triplexes, while others remain in single-family use. Many of the structures are one and two stories in height.

Although the LDT zone provides a transition between single-family zoning to the east and the denser L2 zoning located to the west, there is a significant topographical break between the abutting single-family properties to the east of the LDT zone in this instance. The local street system does not generally restrict local access or circulation, although the steep topography east of Delridge Way SW has hitherto precluded the opening of streets and direct vehicular access east of Delridge in the immediate area. Local access and circulation is provided to the west, north and south of the subject site. The area is relatively close to some facilities and services used by households with children (a community center and public library lie but a short distance south of the subject site), but easy pedestrian or vehicular wayfaring to the New Cooper Elementary School, relatively near as the crow flies, is prevented by the lack of through streets that traverse the steep terrain to the east and the higher ground where the school is located.

Based on these factors, the proposal site is generally compatible with the function of the current Lowrise/Duples/Triplex (LDT) zone.

SMC Section 23.34.072 Designation of Commercial Zones

- A. The encroachment of commercial development into residential areas shall be discouraged.*
- B. Areas meeting locational criteria for single-family designation may be designated NC130'/L1, NC2 30'/L1 or NC3 30'/L1 only as provided in Section 23.34.010.B.*
- C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in the Single Family Policies.*
- D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.*

E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

Directly across unimproved SW Dakota Street to the north of the subject property the entire half block fronting on the east side of Delridge Way SW is zoned Neighborhood Commercial 1. The entire large block directly diagonal, north and west of the site across Delridge Way SW, is zoned Commercial 1, with a 65-foot height limit. That block is developed with two large office buildings.

The single-family zone to the east is topographically separated from Delridge Way SW by a significant rise in elevation, so steep that both SW Dakota and SW Genesee streets are undeveloped for vehicular traffic and vehicular access to this single-family area can be had only from SW Andover Street to the north.

The proposed rezone would not create a new business district but would extend the existing neighborhood commercial area across the existing right-of-way intersection to the north east corner of Delridge Way SW and SW Dakota Street. This extension of the existing commercial node would not cause any significant sprawl or diffusion and would be in keeping with nodal commercial concentration envisioned in the Delridge Neighborhood Plan, especially with the two stated Land Use Goals. G-2 calls for “a series of mixed-use activity nodes or centers along Delridge Way clustering commercial, business, entertainment, community uses, and public facilities,” and G-3 identifies “mixed-use neighborhood anchors: [that] “provide services to residents in compact areas accessible from walkways, park trails, bikeways, transit routes, and local residential streets.”

SMC 23.34.078 Neighborhood Commercial 1 (NC1) zone, function and locational criteria.

A. Function.

1. A Neighborhood Commercial 1 zone is intended to be a small area composed primarily of businesses providing convenience retail sales and services to the adjoining residential neighborhood. These areas provide locations for single-purpose commercial structures, multi-story mixed-use development with commercial uses along the street front, or in limited circumstances multi-story residential structures.

2. Desired Characteristics.

- a. Variety of small neighborhood-serving businesses;*
- b. Continuous storefronts with commercial use, built to the front property line;*
- c. Atmosphere friendly to pedestrians;*
- d. Shoppers walk from store to store.*

B. Locational Criteria. *Neighborhood Commercial 1 zone designation is most appropriate in areas generally characterized by the following:*

1. Existing Character. *Small commercial areas surrounded by low-density residential areas;*

2. Physical Conditions.

- a. Surroundings are low-density residential areas;*
- b. No physical edges to buffer the residential areas;*
- c. Lack of vacant land or land appropriate for additional commercial development within the commercial area;*

- d. Access is through low-density residential neighborhoods (i.e., commercial area will draw traffic through the neighborhood);*
- e. Generally, limited street capacity;*
- f. Limited transit service;*
- g. Limited off-street parking capacity.*

The proposal would allow for the development of a mixed-use structure that would provide retail space at the ground level and residential development on the upper floors. The property is in proximity to transit along running along the Delridge Way SW corridor. The proposal would supplement for a general lack in the area of smaller retail businesses that serve neighborhood pedestrian clientele.

The proposal would extend a relatively small NC1 area running one lot deep along the east side of Delridge Way SW southerly a short distance beyond the SW Dakota Street right-of-way. There is no physical edge to buffer residentially-zoned properties to the east, although the eastern property line of the proposal site lies significantly above the street property line and the abutting rear yards of the single-family-zoned properties to the east are provided with vistas that are at least 25 feet above the Delridge Way SW sidewalk. Commercial deliveries would use the existing arterial of SW Delridge Way and would not necessarily traverse through residentially zoned property. It is presumed some traffic will be drawn through the LDT zoned portion of the immediate neighborhood, but there would be pedestrian traffic only drawn through the Single family-zone property to the east since there is no direct vehicular access to that part of the neighborhood in the immediate vicinity.

Based on these factors, the proposal site is generally compatible with the function of a Neighborhood Commercial zone but not significantly more so than it is with the function of a LDT zone.

SMC 23.34.008 General rezone criteria.

A. To be approved a rezone shall meet the following standards:

- 1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.*
- 2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall be within the density ranges established in Section A1 of the Land Use Element of the Comprehensive Plan.*

The subject site is not within an Urban Center, or Urban Village identified in the Seattle Comprehensive Plan or as amended by subsequent ordinances.

Because of a lack of density restrictions for a mixed use structure on site, the proposed rezone from LDT to NC1-40' would enable residential development as part of a structure significantly to exceed the maximum of eight residential units allowable in the LDT zone. The site is located in an Environmentally Critical Area (ECA - steep slope and potential slide), however, and ECA restrictions might curtail the full build-out of the eight units with the LDT zoning designation. The residential portion of a mixed-use structure, allowable under a NC1 zoning designation, should exceed the density of LDT structures which might be built on the site. In addition, the foundation of a larger, mixed-use structure might be used for geotechnical purposes to stabilize the site.

Full residential density potential would appear to be practicable only if the entire site were to be developed with a single mixed use structure. Given a rezone from LDT to NC1-40, full residential density potential is premised upon a mixed-use development scenario, with three stories of residential use above a commercial base. Without further conditioning the NC1-40 zoning would not preclude commercial development without any residential use. The applicant's conceptual proposal, however, is for a mixed use structure.

Residential development of the site would not exceed targeted residential growth in the planning area. It appears that the proposed rezone would meet the zoned capacity rezone criteria.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

Mixed-use development, street-level neighborhood-serving commercial uses along with residential units, as set forth as a goal in the Delridge Neighborhood Plan for this "North Node" area was contemplated to be facilitated through the rezone from with along the east side of Delridge Way SW in the block to the north from C1-40 to NC1-40 in 1999. It would seem that the notion of appropriateness of the NC1-40 zoning designation that was applied to the half-block strip on Delridge Way between SW Andover Street and the centerline of SW Dakota Street could well be extended to the proposal site, the first seven platted lots south of the centerline of unopened SW Dakota Street. This would not significantly diffuse the contemplated pedestrian-oriented, neighborhood-serving commercial node. The residential uses associated with mixed-use development would help to tie the development on site into the lower density multi-family zoning to the south and west of the site.

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The subject properties were zoned RD 5000 in 1957. With adoption of Title 23 Land Use Code, the site was rezoned to L-1 in 1982. The commercial properties to the north and fronting on Delridge Way SW were zoned BC in 1957; the block-wide area on the east side of Delridge Way SW was rezoned to C-1/65, while the east half -block was zoned C1-40 in 1982. Ordinance 119661, calling for a Land Use Map amendment for the east side of Delridge Way SW between SW Andover and SW Dakota streets, changing the designation from C1-40 to NC1-40 became effective on October 28, 1999.

The residential properties immediately to the east of the site were zoned RS 5000 in 1957 and were rezoned to SF 5000 in 1982. A temporary, interim rezones in 1990, extended by ordinance into 1992 rezoned the subject site and the half block wide strip immediately to the south, as well as the area to the west across Delridge Way SW from L-1 to LDT. A more permanent LDT designation was effected by Ordinance 116152 on May 24, 1992, and is the designation the property has today.

It does not appear that any circumstances related to the property have changed since the previous rezones, except that amendments to Chapter 23.34 include changes to the rezone criteria which

are applicable to the proposal. The approval of this rezone request would not necessarily result in precedential effect for additional rezones in the immediate area. Rather, actual mixed-use development on site hopefully will prompt further mixed-use development where appropriate in the block zoned NC1-40 to the north, the goal set forth in the Delridge Neighborhood Plan.

D. Neighborhood Plans.

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.

2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.

3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.

4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

The project site lies within the planning area of the Delridge Neighborhood Plan, published in 1999 and subsequently adopted by Resolution of the City Council. As part of the neighborhood planning process, the Delridge Plan called for a Rezone of “the east side of Delridge Way between Dakota Street and Andover Street to NCI-40 (mixed use residential and business) to promote the development of a mixed use neighborhood anchor.” Ordinance 119661, calling for a Land Use Map amendment for the east side of Delridge Way SW between SW Andover and SW Dakota streets, changing the designation from C1-40 to NC1-40 became effective on October 28, 1999.

The proposed rezone would appear to be consistent with the general guidelines, recommended actions and implementation strategies as they are set forth in the Delridge Neighborhood Plan. Extending the NC1-40 zoning across the centerline of the unopened street right-of-way of SW Dakota Street and into the northern portion of the next block is consistent with the expressed objectives to encourage mixed-use, residential with commercial development, at this identified northern node of Delridge Way SW and to provide for the diversification of housing opportunities as expressed in the Neighborhood Plan and incorporated into Seattle’s Comprehensive Plan.

E. Zoning Principles. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

- a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;*
- b. Freeways, expressways, other major traffic arterials, and railroad tracks;*
- c. Distinct change in street layout and block orientation;*
- d. Open space and greenspaces;*

3. *Zone Boundaries*

a. *In establishing boundaries the following elements shall be considered:*

- (1) Physical buffers as described in subsection E2 above;*
- (2) Platted lot lines.*

b. *Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

NC1 zoning provides by definition for low-impact commercial uses adjacent lower density residential uses. Delridge Way SW provides a buffer for the residential property on the west side of the street. The uphill slope that traverses the subject site provides something of a physical buffer to the residential properties that abut the site on the east. The mixed-use proposal would also be subject to design review which could effectively deal with additional height, bulk and scale issues, especially as they relate to adjacencies along the south property line.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

1. *Factors to be examined include, but are not limited to, the following:*

- a. Housing, particularly low-income housing;*
- b. Public services;*
- c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*
- d. Pedestrian safety;*
- e. Manufacturing activity;*
- f. Employment activity;*
- g. Character of areas recognized for architectural or historic value;*
- h. Shoreline view, public access and recreation.*

2. *Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*

- a. Street access to the area;*
- b. Street capacity in the area;*
- c. Transit service;*
- d. Parking capacity;*
- e. Utility and sewer capacity;*
- f. Shoreline navigation.*

The proposal would displace a potential for 8 residential units being developed on site, with the LDT zoning in place, to possibly thirty or more as part of a mixed-use development which would be allowed under NC1-40 zoning. Development standards in Environmentally Critical Areas legislation could possibly be more restrictive for allowable development in the LDT zone than for a mixed-use development in a NC1-40 zone, increasing the disparity between the minimum and maximum residential units that could be developed on site under existing and proposed zoning. Demand for public services would remain essentially unchanged with this zoning reconfiguration. More than adequate street, transit, parking and other utilities are available to serve future development.

Pedestrian safety along the abutting two street frontages of the subject area would not be affected by this rezone, nor would the architectural character of the area be altered in any substantial way. Mixed-use development of the site under NC1-40 zoning could provide for a more substantial opportunity for the enhanced tie-in to the hillclimb/park in the SW Dakota Street right-of-way called for in the Neighborhood Plan than would be expected from LDT development.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.

The kind of mixed-use (commercial and residential) development envisioned in the Neighborhood Plan and expected through the rezone of the half block to the north from C1-40 to NC 1-40 has not occurred. The site on the southeast corner of SW Andover Street and Delridge Way SW, developed after the rezone to NC1-40 in 1999, resulted to a 4-story commercial office building, rather than mixed-use development with a residential component. There has been no other development in the block within the past seven years

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The property is not located in an overlay district.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

The site is located in an Environmentally Critical Area (ECA- steep slope and potential slide), and ECA restrictions might curtail the full build-out of the allowable eight units with the LDT zoning designation. The residential portion of a mixed-use structure, allowable under a NC1 zoning designation, should exceed the density of LDT structures which might be built on the site. In addition, the foundation of a larger, mixed-use structure might be used for geotechnical purposes to stabilize the site.

Full residential density potential would appear to be practicable only if the entire site were to be developed with a single mixed-use structure. Given a rezone from LDT to NC1-40, full residential density potential is premised upon a mixed-use development scenario, with three stories of residential use above a commercial base. Without further conditioning the NC1-40 zoning would not preclude commercial development without any residential use. The applicant's conceptual proposal, however, is for a mixed use structure.

SMC 23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

C. Height and Scale of the Area.

1. The height limits established by current zoning in the area shall be given consideration.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D2, are present.

E. Neighborhood Plans.

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.

Existing zoning development standards for LDT permit structures 25 feet in height with an additional allowance of 5 feet for a moderately pitched roof or 10 feet for a steeply pitched roof. The proposed 40-foot height limit would be consistent with the commercially zoned property to the north and would provide a transition between the 65-foot height limit of properties on the west side of Delridge Way SW as far south as SW Dakota Street. The topography of the area on the west side of Delridge Way SW is relatively flat, that on the east rises steeply upwards and the hillside is thickly covered with trees and other vegetation. It does not appear that any significant existing views would be blocked by the proposed 40-foot height. NC-1/40' regulations allow greater scale of development than LDT regulations, both horizontally and vertically. The height limits established by the adjacent SF 5000 zoning is essentially 30 feet, with a 5-foot allowance for a sloped roof. In addition, single-family structures constructed on the slope upward and east of the site would be allowed a sloped lot bonus (per SMC 23.44.012 B2) of indeterminate additional height. The requested 40-foot height limit, together with the greater development potential of the NC-1 zone, if approved, would represent an increased bulk and scale potential compared with the height and scale of development potential of the adjacent LDT zone.

The Delridge Neighborhood Plan does not address height considerations in this North Node Commercial area in any of its goals or policies for future development. The planning effort, however, did result in the recommendation and actualization of NC1 zoning with a forty-foot height limit (NC1-40') for the east block face of Delridge Way SW between SW Andover and SW Dakota streets.

SMC 23.34.007 Rezone evaluation.

A. The provisions of this chapter shall apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and

balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

C. Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.

D. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the Purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment re-designations as provided in SMC Subsection 23.60.060 B3.

E. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.

F. The procedures and locational criteria for shoreline environment re-designations are located in Sections 23.60.060 and 23.60.220 respectively.

G. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

The above analysis considered the foregoing criteria. Given the circumstances of the subject properties, the history of zoning, and the goals of neighborhood planning, the Neighborhood Commercial 1 zone, with an allowable 40-foot height limit, would appear to be as suitable a zoning designation for the property as is the existing LDT zone.

RECOMMENDATION - REZONE

Based on the above analysis, the Director recommends that the proposed rezone to NC1-40' be **APPROVED**.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 7, 2005 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, (soils report), project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

SEPA-REZONE

Short-term Impacts

As a non-project action, the proposed amendments will not have any short-term impacts on the environment. Future development affected by this legislation and subject to SEPA will be required to address short-term and long-term impacts on the environment.

Long-term Impacts

The proposal to rezone the subject parcel from LDT to NC1-40' is not expected to generate any significant adverse impacts. The proposal would reduce the quantity of land available for LDT development. Since mixed-use development would not be required of the site if not otherwise required by conditioning, the proposal could reduce the actual development of residential units in the area. This could diminish the potential for realizing the residential goals of the Delridge Neighborhood Plan and Seattle Comprehensive Plan.

The existing right-of-way of Delridge Way SW would continue to be in periodic heavy use which would presumably be intensified, though not significantly, by development on site which would add increased commercial and residential parking. Development on site would undoubtedly mean increased surface water runoff due to greater site coverage by impervious surfaces and loss of plant and animal habitat. Future development may increase demand for on-street parking and may result in increased light and glare and noise and traffic and demand for public services and utilities. The long-term or use-related impacts are associated with development, however, and would be addressed at the time of development permit application. No additional SEPA conditioning or mitigating measures are warranted at this time.

The proposal site is located in a landslide-prone and steep slope critical area. Actual development on site will be subject to further SEPA review. Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall document whether the proposal is consistent with the City's Environmentally Critical areas (ECA) regulations in SMC 25.09 and evaluate potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. The required review will include identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

No new construction of structures is proposed for the subject site at this time. The rezone would result in the opportunity for the properties to be developed. Future construction of a mixed-use structure on the site would likely require SEPA and Design Review. There would be no temporary or construction-related impacts directly resulting from the rezone. Therefore, no conditioning pursuant to SEPA construction policies is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - SEPA

None required.

RECOMMENDED CONDITIONS – REZONE

Since expanding the NC1-40 zoning designation from the centerline of SW Dakota Street to include the subject site would allow for the construction of a single-purpose commercial structure on site, a kind of development which would thwart the expressed intentions and goals of the Delridge Neighborhood Plan, which contemplated and encouraged mixed-use development (residential and commercial) within the NC1-40 area “to promote the development of a mixed use neighborhood anchor,” *development on site should be restricted to mixed-use development, specifically to development of a structure with non-residential uses at street level and residential uses above street level, subject to the standards of SMC 23.47.008 and to Design review (SMC Chapter 23.41).*

Signature: _____ (signature on file) Date: October 26, 2006
Michael Dorcy
Senior Land Use Planner
Department of Planning and Development